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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Scott C. Johnson et al..

Filed: November 2, 2001

COPY OF PAPERS  
ORIGINALLY FILED

For: SYSTEMS AND METHODS FOR INTELLIGENT INFORMATION  
RETRIEVAL AND DELIVERY IN AN INFORMATION MANAGEMENT  
ENVIRONMENT

Serial No.: 10/003,728

Group Art Unit: Unknown

Examiner: Unknown

Atty Dkt: SURG:161

Pursuant to 37 C.F.R. 1.8, I certify that this correspondence is being deposited with the U.S. Postal Service in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on the date below:

3-8-02

*Mady Bolin*

Assistant Commissioner For Patents  
Washington, D.C. 20231

**ELECTION UNDER 37 C.F.R. §§3.71 AND STATEMENT UNDER 3.73  
AND POWER OF ATTORNEY**

Sir:

The undersigned being Assignee of record of the entire interest in the above-identified application by virtue of an assignment that has been filed in the United States Patent and Trademark Office as set forth below, hereby elects, under 37 C.F.R. §3.71, to prosecute the application to the exclusion of the inventor. A statement under 37 C.F.R. 3.73(b) is also included below.

The Assignee hereby revokes any previous Powers of Attorney and appoints Robert M. O'Keefe, Reg. No. 35,630; Richard D. Egan, Reg. No. 36,788; Brian W. Peterman, Reg. No. 37,908, William W. Enders, Reg. No. 41,735, and Maximilian R. Peterson, Reg. No. 46,469, each an attorney of the firm of O'KEEFE, EGAN & PETERMAN, LLP, as its attorney for so long as they remain with such firm, with full power of substitution and revocation, to prosecute the application, to make alterations and amendments therein, to transact all business in the Patent

and Trademark Office in connection therewith, and to receive any Letters Patent, and for one year after issuance of such Letters Patent to file any request for a certificate of correction that may be deemed appropriate.

Pursuant to 37 C.F.R. §3.73, the undersigned has reviewed the evidentiary documents, specifically the Assignment to *Surgient Networks, Inc.*, referenced below, and certifies that to the best of my knowledge and belief, title remains in the name of the Assignee.

Pursuant to 37 C.F.R. §3.73(b), *Surgient Networks, Inc.*, a corporation, states that it is the assignee of the entire, right, and interest in the patent application identified above by virtue of an assignment from the inventor(s) of the patent application identified above. The assignment has been filed in the United States Patent and Trademark Office as set forth below.

Please direct all communications as follows:

*William W. Enders*  
O'KEEFE, EGAN & PETERMAN, LLP  
1101 Capital of Texas Highway South  
Building C, Suite 200  
Austin, Texas 78746  
512/347-1611  
FAX 512/347-1615

The undersigned (whose title is supplied below) is empowered to sign this statement on behalf of the assignee.

ASSIGNEE:

*SURGIENT NETWORKS, INC.*

By: \_\_\_\_\_

Name: Scott C. Johnson

Title: Chief Technical Officer

Date: 3-7-2002

ASSIGNMENT:

- Filed concurrently herewith (copy enclosed)
- Previously filed [date](copy enclosed)
- Previously recorded

Date: \_\_\_\_\_

Reel: \_\_\_\_\_

Frame: \_\_\_\_\_

## ASSIGNMENT

FOR GOOD AND VALUABLE CONSIDERATION, the receipt, sufficiency and adequacy of which are hereby acknowledged, the undersigned, do hereby:

SELL, ASSIGN AND TRANSFER to Surgent Networks, Inc. (the "Assignee"), being incorporated under the laws of the State of Delaware, having a place of business 8303 North Mopac, Suite C-300, Austin, Texas 78759-8374, the entire right, title and interest for the United States and all foreign countries in and to any and all improvement which are disclosed in the application Serial Number 10/003,728 entitled "SYSTEMS AND METHODS FOR INTELLIGENT INFORMATION RETRIEVAL AND DELIVERY IN AN INFORMATION MANAGEMENT ENVIRONMENT," such application and all divisional, continuing, substitute, renewal, reissue and all other applications for patent which have been or shall be filed in the United States and all foreign countries on any of such improvements; all original and reissued patents which have been or shall be issued in the United States and all foreign countries on such improvements; and provisions of any convention or treaty and claim priority based on such application in the United States;

AUTHORIZE AND REQUEST the issuing authority to issue any and all United States and foreign patents granted on such improvements to the Assignee;

WARRANT AND COVENANT that no assignment, grant, mortgage, license or other agreement affecting the rights and property herein conveyed has been or will be made to others by the undersigned, and that the full right to convey the same as herein expressed is possessed by the undersigned;

COVENANT, when requested and at the expense of the Assignee, to carry out in good faith the intent and purpose of this assignment, the undersigned will execute all divisional, continuing, substitute, renewal, reissue, and all other patent applications on any and all such improvements; execute all rightful oaths, declarations, assignments, powers of attorney and other papers; communicate to the Assignee all facts known to the undersigned relating to such improvements and the history thereof; and generally do everything possible which the Assignee shall consider desirable for vesting title to such improvements in the Assignee, and for securing, maintaining and enforcing proper patent protection for such improvements;

TO BE BINDING on the heirs, assigns, representatives and successors of the undersigned and extend to the successors, assigns and nominees of the Assignee.

(Signature): Scott C. Johnson

Date: 3-7-2002

Scott C. Johnson

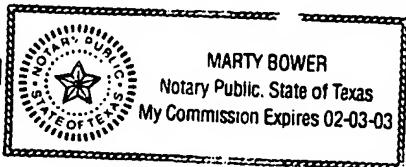
State of Texas )

County of Taylor)

BEFORE ME, the undersigned authority, on this 3<sup>rd</sup> day of March, 2002, personally appeared Scott C. Johnson, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same of his own free will for the purposes and consideration therein expressed.

Marty Bower  
Notary or Consular Officer

[SEAL]



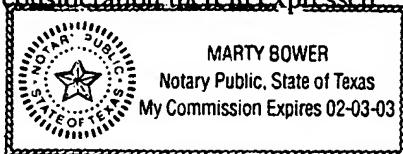
MARTY BOWER  
Notary Public, State of Texas  
My Commission Expires 02-03-03

(Signature): Chao Qiu  
Chaoxin C. Qiu

Date: 3/7/2002

State of Texas )  
County of TRAVIS)

BEFORE ME, the undersigned authority, on this 7 day of March, 2002  
personally appeared Chaoxin C. Qiu, known to me to be the person whose name is subscribed to the  
foregoing instrument and acknowledged to me that he executed the same of his own free will for the  
purposes and consideration therein expressed



Marty Bower

Notary or Consular Officer

(Signature): Roger K. Richter  
Roger K. Richter

Date: 3/7/02

State of Texas )  
County of TRAVIS)

BEFORE ME, the undersigned authority, on this 7 day of March, 2002  
personally appeared Roger K. Richter, known to me to be the person whose name is subscribed to the  
foregoing instrument and acknowledged to me that he executed the same of his own free will for the  
purposes and consideration therein expressed

Marty Bower

Notary or Consular Officer

